

storing software applications on a server system;

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broadcasting the software applications to a multiplicity of portable clients that each include a receiver having a tuner that is selectively tunable to receive a selected one of the software applications broadcasted by the broadcast system; and

charging a user of the portable clients fee for receiving a selected one of the software applications, wherein the fee is selected from the group consisting of a time-of-usage basis, a subscription basis, a per applications downloaded basis or a per transactions basis.

REMARKS

Claims 1-30 stand rejected under 35 U.S.C. 102(e) as being anticipated by Metz et al. (U.S. Patent No. 5,978,855). New independent claim 31 has been added. Claims 1-31 are in the application. Independent claims 1 and 21 have been amended to overcome the rejection. Support for amended claims 1 and 21 and new independent claim 31 can be found at least on page 9, lines 9-14 and page 10, lines 25-28.

Applicants respectfully submit that the pending claims, as amended, are patentable for at least the following reasons.

Claim 1 is directed to a communications system, comprising a server system that stores software applications, a broadcast system that broadcasts the

software applications; and a multiplicity of portable clients that each include a receiver having a tuner that is selectively tunable to receive a selected one of the software applications broadcasted by the broadcast system, wherein the server system includes a processor for enabling users to access a menu of the software applications for selection, and enabling billing users a fee for receiving a selected one of the software applications. Independent claims 21 and 31 recites similar limitations.

Metz fails to teach, show or disclose a server system that includes a processor for enabling users to access a menu of the software applications for selection, and enabling billing users a fee for receiving a selected one of the software applications, as specifically recited in amended independent claim 1.

The MPEP section 2131 provides that a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference. The identical invention must be shown in as complete detail as contained in the claim. Applicant submits that Metz does not satisfy MPEP section 2131 as anticipatory references. Accordingly, withdrawal of the rejection is respectfully requested with regard to claims 1 and 21. Independent claim 31 is believed patentable for the same reasons.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. These claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from the independent claim discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

The applicants submit that the claims fully satisfy the requirements of 35 U.S.C. 102. In view of the foregoing remarks, favorable reconsideration and early passage to issue of the present application are respectfully solicited.

Applicants' undersigned attorney may be reached by telephone at the number given below.

Respectfully submitted,

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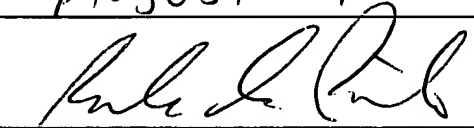
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By 
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APPENDIX A

VERSION WITH MARKING TO SHOW CHANGES MADE

IN THE CLAIMS

Please add new claim 31 and amend the claims as follows:

1. (Amended) A communications system, comprising:

a server system that stores software applications;

a broadcast system that broadcasts the software applications; and

a multiplicity of portable clients that each include a receiver having a tuner

that is selectively tunable to receive a selected one of the software applications

broadcasted by the broadcast system,

wherein the server system includes a processor for enabling users to
access a menu of the software applications for selection, and enabling billing
users a fee for receiving a selected one of the software applications.

21. (Amended) A portable data communications device, comprising:

a receiver that includes a tuner that is selectively tunable to receive a
selected one of a plurality of software applications broadcasted by a broadcast
system;

a user-interface that enables a user to select one of the broadcasted software applications from a menu for downloading;

a processor for executing the downloaded software application and receiving an associated billing charge for receiving the selected one of the software applications.

31. (New) A method of doing business comprising:

storing software applications on a server system;

broadcasting the software applications to a multiplicity of portable clients that each include a receiver having a tuner that is selectively tunable to receive a selected one of the software applications broadcasted by the broadcast system; and

charging a user of the portable clients fee for receiving a selected one of the software applications, wherein the fee is selected from the group consisting of a time-of-usage basis, a subscription basis, a per applications downloaded basis or a per transactions basis.